

IN THE COURT OF CLAIMS OF THE UNITED STATES.

Deutsche Waffen Und Munitionsfabriken

vs.

No. 32,872.

THE UNITED STATES.

DEFENDANT'S MOTION TO DISMISS PETITION.

The United States, by the Attorney General, moves that plaintiff's petition be dismissed on the ground that plaintiff does not now have title to U. S. Patent Reissue No. 12927, upon which this suit is based, said patent and every right, title and interest with respect thereto, previously held by plaintiff, including all damages and profits recoverable at law or in equity for past infringement thereof, having passed from plaintiff to The Alien Property Custodian by virtue of said Custodian's demand and seizure of the same under the "Trading with the Enemy Act," approved October 6, 1917, and the amendments thereto.

Certified copies of said demand of the Alien Property Custodian, dated March 27, 1919, and certificate by the Commissioner of Patents of the recording of the same dated April

3, 1919, are attached to this motion and made a part thereof.

(Signed) Frank Davis, Jr.,

Assistant Attorney General.

(Signed) Edward G. Curtis,
Special Assistant to the
Attorney General.

I hereby acknowledge service of the above motion
this 16th day of October, 1919.

(Signed) Dean S. Elmonds,

Attorney for Plaintiff.

District of Columbia)
Washington, D. C.) ss:

I hereby certify that the attached demand is a true and correct copy of the original on file in this Division.

Witness my hand this 9th day of October, 1919.

(Sd.) L. Pauline Mann,
Chief Clerk,
Division of Patents,
Alien Property Custodian.

Sworn to and subscribed before me this the 9th day of October, 1919.

(Sd.) Oden B. Gray,
Notary Public.

(Seal)

My Commission expires the 12th day of October 1920.

2-392

DEPARTMENT OF THE INTERIOR.

UNITED STATES PATENT OFFICE.

RECEIVED and RECORDED on the 3rd day of April, 1919,
in Liber D-106, page 476 of Transfers of Patents.

IN TESTIMONY WHEREOF, I have caused
the seal of the Patent Office to
be hereunto affixed.

(SEAL)

James T. Newton,

Exd
LLW

Commissioner of Patents.

6-1697

DEMAND FORM (1)

Trust No. 12934

Report No. 38604

PATENTS OWNED ENTIRELY BY ENEMY.

Dean S. Rhonds, Esquire,
35 Nassau Street, New York, N. Y.

To the Commissioner of Patents,
Washington, D. C.

To All to Whom these Presents may come:

I, FRANCIS P. GARVAN, Alien Property Custodian, duly appointed, qualified and acting under the provisions of the Act of Congress known as the "Trading with the Enemy Act," approved October 6, 1917, and the amendments thereto and the executive orders and proclamations issued in pursuance thereof, under and by virtue of the authority vested in me as Alien Property Custodian, after investigation, do determine that Deutsche Waffen und Munitionsfabriken, of Berlin, Germany, is an enemy not holding a license granted by the President within the purview of said Act as amended and said orders and proclamations; and I do further, after investigation, determine that certain letters patent of the United States, identified as follows:

Patent No.	Date of Issue	Title.
841,861	January 22, 1907	IMPROVEMENTS IN PROJECTILES FOR HAND FIREARMS.
(Reissue) 12,927		

and every right, title and interest with respect thereto, including all damages and profits recoverable at law or in equity from any person, firm, corporation or government, for past infringement thereof, subject to the rights, if any, of Union Metallic Cartridge Company, belong to, or are held for, or on account of, or on behalf of, or for the benefit of said enemy, Deutsche Waffen und Munitionsfabriken.

As such Alien Property Custodian, I do seize said letters-patent and every right, title and interest with respect thereto, including all damages and profits recoverable at law or in equity from any person, firm, corporation or government, for past infringement thereof subject to the rights, if any, of Union Metallic Cartridge Company, and I do hereby require that you convey, transfer, assign and deliver the same to me, to be by me, as Alien Property Custodian, held, administered and accounted for as provided by law.

I, as Alien Property Custodian, do request that the Commissioner of Patents record this requirement upon the books and records kept by him, to show the assignment and transfer of letters-patent, in respect to said letters patent above mentioned.

This demand is supplementary to any and all requirements and demands heretofore made with respect to said property and is in addition to and without prejudice to such requirements and demands, and shall in no way affect the interests, rights and powers acquired by me as Alien Property Custodian by virtue of such previous requirements and demands.

Witness my hand and seal of office this 27th day of March, 1919.

(Signed) Francis P. Garvan,
Alien Property Custodian.

RH
RCG:SD (RCG)

Service of the foregoing demand is hereby acknowledged this 3rd day of April, 1919.

(Signed) J. T. Newton,
Commissioner of Patents.

A TRUE COPY.

Filed and allowed in open Court, Oct. 24, 1919.

Test this March 2, 1920.

F. C. Kleinschmidt,
Asst. Clerk,
Court of Claims.